

### **REMARKS**

Claims 1, 19, 20, 22, 23-35 and 40-42 are currently pending. Claims 2-18, 21 and 36-39 were previously cancelled. Claims 1 and 19 are currently amended and support can be found, for example, in paragraph [0024] and in the Figures. New claims 40 and 41 are added and support can be found, for example, in Figures 1, 2a and 2b. New claim 42 is added and support can be found, for example, in paragraph [0028]. No new matter is added.

### **Examiner Interview**

Applicants thank Examiner Koharski and Supervisory Examiner Lucchesi for the personal interview with Applicants' representative Jocelyn D Ram (54,898) on June 4, 2009. In this interview, the Examiners agreed that the amendments presented herein would overcome the prior art of record.

### **Rejection of Claims Under 35 U.S.C. 102**

Claims 1, 19, 20, 22 and 28-35 stand rejected under 35 U.S.C. 102(b) for being allegedly anticipated by U.S. Patent No. 6,921,381 to Spero et al. ("Spero"). Spero fails to disclose all the limitations of independent claims 1 and 19. Spero describes a laparoscopic spray device having two parallel lumens 32A, 32B, each containing a different fluid, which feed into mixing chamber 100, as shown in Fig. 18. At least one flexible mixing member 102 is located in the mixing chamber 100 to assist in mixing the two fluids and a spray regulator 104 is located in the mixing chamber 100 in front of spray aperture 94. Thus, Spero does not disclose any central lumen, but rather has two lumens which are offset from the longitudinal axis. Furthermore, Spero does not disclose an open flow channel coincident with the lumen's longitudinal axis, since the aperture of Spero is obstructed by the spray regulator 104. Furthermore, it would not have been obvious to one of ordinary skill in the art to modify Spero to have a central lumen or an open flow channel coincident with the longitudinal axis because this would go against the

teaching of Spero. The two offset lumens in Spero are necessary for the proper functioning of the device to allow for the mixing of the two substances. For at least these reasons, Applicants submit that Spero does not anticipate claims 1 and 19 (and all claims that depend therefrom) and Applicants request withdrawal of this rejection.

### **Rejection of Claims under 35 U.S.C. 103**

Claims 23, 24, 26 and 27 stand rejected under 35 U.S.C. 103(a) for being allegedly rendered obvious by Spero in view of U.S. Patent Publication No. 2002/0077687 to Ahn ("Ahn"). As discussed above, it would go against the teaching of Spero to modify the device to have a central lumen or an open flow channel coincident with the longitudinal axis. Thus, Applicants submit that Spero in view of Ahn does not render obvious claims 23, 24, 26 and 27 and Applicants request withdrawal of this rejection.

### **Conclusion**

Although no fees are believed to be due, the Office may charge any additional fees required, or credit any overpayments, to Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned at 202-220-4200 to discuss any matter regarding this application.

Respectfully submitted,

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